

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

CONSOLIDATED RAIL CORPORATION,

Plaintiff,

v.

ASPEN SPECIALTY INSURANCE
COMPANY, *et al.*,

Defendants.

:
:
:
:
:
:
:
:
:
:
:

Civil No. 17-12281 (RBK/KMW)

ORDER

KUGLER, United States District Judge:

THIS MATTER having come before the Court on Defendant Hudson Specialty Insurance Company's motion for summary judgment (Doc. No. 38) and Plaintiff Consolidated Rail Corporation's cross-motion for summary judgment (Doc. No. 39) as to whether Conrail's suit is barred by a suit limitation clause in the parties' insurance contract; and for the reasons set forth in the accompanying Opinion of this date; and

IT IS HEREBY ORDERED that Hudson's motion is **GRANTED**, and Conrail's cross-motion is **DENIED**; and

IT IS FURTHER ORDERED that summary judgment is entered in favor of Hudson and against Conrail that Conrail's claims against Hudson are time barred under the policy; and

IT IS FURTHER ORDERED that Conrail's separate motion for summary judgment against Hudson and two other insurers in this case as to whether the insurers must pay certain costs under "law and ordinance" provisions in their contracts (Doc. No. 31) is **DENIED AS MOOT** insofar as it relates to Conrail's claims against Hudson; and

IT IS FURTHER ORDERED that Hudson's motion for leave to file a sur-reply (Doc. No. 61) in connection with Conrail's law and ordinance motion is **DENIED AS MOOT**.

Dated: 6/10/2019

/s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge